

IN THE

Court of Appeal of the State of California

IN AND FOR THE

Fifth Appellate District

F041622 San Joaquin Raptor/Wildlife Rescue Center et al. v. Regents of the University of California; Virginia Smith Trust et al.

The judgment is affirmed. Costs to respondents. Ardaiz, P.J.

We concur: Dibiaso, J.; Gomes, J.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

F040109 People v. Buentello

The section 136.1 conviction on count 4 is reversed; the prior “strike” conviction finding (667, subds. (c)-(i); 1170.12, subd. (a)-(e)) is stricken. As modified, the judgment of conviction is affirmed. The case is remanded for resentencing in light of the modified judgment of conviction. Ardaiz, P.J.

We concur: Buckley, J.; Cornell, J.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

F042955 Lori C. v. The Superior Court of Tulare Co.; Tulare Co. Health & Human Services Agency

Pursuant to the terms of this court’s order of June 13, 2003, and the failure of any party to request oral argument, the oral argument date of July 10, 2003, is vacated.

This matter is deemed submitted on the date of this order.

F041939 In re Selena H. et al., Minors

Oral argument having been waived in the above-entitled case in accordance with the provisions of a notice mailed to counsel, the case is submitted for decision.

IN THE

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F041939 In re Selena H. et al., Minors

The order terminating parental rights is affirmed.

By the Court.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

F040606 People v. Peevy

The judgment is affirmed. Ardaiz, P.J.

We concur: Buckley, J.; Cornell, J.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

F037053 Papazian v. Papazian

The judgment is reversed. The matter is remanded to the superior court to determine whether Robert can overcome the presumption of undue influence that arose when Mary signed the note transmuting the Copper property from community property to Robert's separate property and for further proceedings as appropriate on the issues of reimbursement and Watts charges. All other issues we decided here are subject to the doctrine of law of the case. Each party will bear their own costs on appeal, subject to the trial court's right to award attorney fees and costs. Cornell, J.

We concur: Dibiaso, Acting P.J.; Buckley, J.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

F039425 Areias et al. v. Bank of America National Trust and Savings Association

The judgment is affirmed. Respondent is awarded its costs on appeal. Vartabedian, J.

We concur: Ardaiz, P.J. ; Buckley, J.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

IN THE

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F039782 Areias et al. v. Bank of America National Trust and Savings Association

The order for attorney fees is reversed. The matter is remanded for hearing and entry of an order for attorney fees excluding those incurred in defending against the fifth cause of action of the amended cross-complaint subsequent to the court's order granting the demurrer to the first four causes of action in that cross-complaint. Appellants are awarded costs on appeal. For the same reasons respondent is not entitled to fees on the fifth cause of action in the trial court -- the absence of a contractual entitlement to such fees -- appellants are not entitled to an award of fees on the present appeal. Vartabedian, J.

We concur: Ardaiz, P.J.; Buckley, J.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

F042755 In re Gabriella R., a Minor

No brief or request for extension of time having been filed within the time provided, IT IS HEREBY ORDERED that the appeal in the above-entitled action is dismissed.

F042806 In re Tiffany J., a Minor

No brief or request for extension of time having been filed within the time provided, IT IS HEREBY ORDERED that the appeal in the above-entitled action is dismissed.